

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1567 OF 2022**

**SHARADA
RANGNATH
WAHULE**

Keshav Narayan Shelar

....Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Atul R. Patil a/w Mr. Satyam Surana, Mr. Chaitanya Khade
Advocate for the Applicant.

Mr. Y. Y. Dabke, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER, 2023.

P.C. :

1. By this Application, the Applicant is seeking bail in Crime No.259 of 2019 registered with Samta Nagar Police Station, Kandivali, Mumbai for the offences punishable under Sections 141, 142, 144, 147, 149, 302, 323, 504 and 506(2) of Indian Penal Code ("IPC", for short) read with Sections 4 and 25 of Arms Act.

2. The prosecution's case is that, on 16th June, 2019, co-accused and Applicant assaulted deceased Vijay Pare with fist and blows and with knife. It is alleged that, Applicant had assaulted deceased with

knife on his hand and cheek.

3. It is contention of learned counsel for the Applicant that, Applicant has been falsely implicated in this case. The role attributed to the Applicant is that he assaulted deceased with knife on his hand and cheek. There is no recovery at the instance of Applicant. Learned counsel further submitted that, cause of death of deceased was due to head injury and there are allegations that co-accused Prasad Pol assaulted the deceased on his head with paver block. The Applicant is behind bar for more than three years. Investigation is completed charge-sheet has been filed. Learned counsel submitted that, the co-accused is released on bail by this Court (Coram: P. D. Naik, J.) by order dated 28th January, 2021. Hence, requested to allow the Application.

4. It is contention of learned APP that, in the statement of eye witness, they have stated that, Applicant had assaulted the deceased with knife on his hand and cheek. Applicant is a habitual offender, total 17 offences are registered against the Applicant. Applicant was the part of group who assaulted the deceased it shows his involvement in the crime. If, he released of bail he may threaten the prosecution witnesses. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.
6. Allegation against the Applicant is that he assaulted the deceased with knife on his hand and cheek. Cause of death of deceased was due to head injury. There is no recovery at the instance of Applicant. The co-accused is released on bail by this Court (Coram: P. D. Naik, J.). Investigation is completed and charge-sheet has been filed. Applicant is behind bar for more than three years. Though Applicant has criminal antecedent, but he has been released on bail in those cases. Considering above facts, his further detention is not required.
8. In view of above, I pass following order.

ORDER

- (i) The Applicant be released on bail in Crime No. 259 of 2019 registered with Samta Nagar Police Station Kandivali, Mumbai on furnishing PR bond of Rs.30,000/- with one or two sureties in the like amount.
- (ii) After his release from jail the Applicant shall attend the Samta Nagar a Police Station, once in a month i.e.

on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)